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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,859	01/04/2001	Chad Daniel Fisher	2000-12	4297
7590	03/16/2004			

KoSa
4501 Charlotte Park Drive
Charlotte, NC 28217-1979

EXAMINER

SELLERS, ROBERT E

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 03/16/2004

RECEIVED
CENTRAL FAX CENTER

MAR 25 2004

OFFICIAL

Please find below and/or attached an Office communication concerning this application or proceeding.

TO: EXAMINER SHORT 7pgs.
FROM: KoSa
March 25, 2004

THE OFFICE ACTION DOES NOT MATCH
THE COVER SHEET APPLICATION. THE OFFICE
ACTION IS NOT OUR CASE.

CLAIRE NOEL
KOSA

Office Action Summary

Application No.

10/299,263

Applicant(s)

DUAN ET AL.

Examiner

Patricia A. Short

Art Unit

1712

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gallucci (6221556). The reference teaches an optical element obtained from a thermoplastic resin composition comprising polycarbonate and poly(cyclohexane-dimethanol cyclohexane-dicarboxylate) (PCCD) that has greater than 75% light transmittance. See the examples. The thermoplastic resin compositions comprising the same components as the thermoplastic resin compositions of the claims inherently have the required refractive index. See *In re Best* 195 USPQ 430 (CCPA 1977).

Claims 1-12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over each of Scott (5942585) and Flora (4897453). Each of the references teaches clear film obtained from a thermoplastic resin composition comprising polycarbonate and a poly(cyclohexane-dimethanol cyclohexane-dicarboxylate). See examples in Scott and examples and claim 9 in Flora. The clear thermoplastic resin compositions comprising the same components as the thermoplastic resin compositions of the claims inherently have the required light transmittance and refractive index. See *In re Best* 195 USPQ 430 (CCPA 1977). The language "optical element" does not distinguish over the clear film of the references.

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February 24, 2004
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PATRICIA A. SHORT
PRIMARY EXAMINER

Patricia A Short

Notice of References Cited	Application/Control No. 10/299,263	Applicant(s)/Patent Under Reexamination DUAN ET AL.	
	Examiner Patricia A. Short	Art Unit 1712	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,942,585	08-1999	Scott et al.	525/439
	B	US-4,897,453	01-1990	Flora et al.	525/439
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PTO-1449										Attorney's Docket Number 131066-V		Serial Number 10/299,263		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT LIST OF ITEMS (Use several sheets if necessary)										Name of Applicant Duan et al.		RECEIVED APR 22 2003 TC 1700		
										Filing Date 11/19/2002				Group 1714
U.S. PATENT DOCUMENTS														
* Examiner's Initials	Document Number								Date	Name	Class	Subclass	Filing Date if Appropriate	
PS	AA	6	1	3	6	4	4	1	10/24/2000	MacGregor et al.				
PS	AB	6	2	2	1	5	5	6	04/24/2001	Gallucci et al.				
	AC													
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FOREIGN PATENT DOCUMENTS														
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OTHER INFORMATION (Including Author, Title, Date, Pertinent)														
	AQ													
	AR													
	AS													
EXAMINER PS et										DATE CONSIDERED 2/24/04				
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.														

PTO-144										Attorney's Docket Number 131066 (08CJ12691)		Serial Number 10/299263	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT LIST OF ITEMS (See several sheets if necessary)										Name of Applicant Duan et al.		Filing Date 11/19/2002	
										Group 1714			
U.S. PATENT DOCUMENTS													
Examiner Initials	Document Number							Date	Name	Class	Subclass	Filing Date if Appropriate	
PS	AA	5	4	4	1	9	9	7	08/15/1995	Walsh et al.			
PS	AB	2	4	6	5	3	1	6	03/22/1949	Mowry et al.			
PS	AC	3	0	4	7	5	3	9	07/31/1962	Pengilly			
	AD												
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EXAMINER PSL										DATE CONSIDERED 2/24/04			
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.													